

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 14-10276-IT
)	
)	
JOHN CRANNEY)	
Defendant)	

DEFENDANT’S SUPPLEMENTAL SENTENCING MEMORANDUM

Now comes, John Cranney, who respectfully files this Supplemental Sentencing Memorandum in response to the letter filed from the BOP stating it has the capacity to treat a complicated patient like Mr. Cranney. In support the defendant states the following:

1. The government asserts that the Bureau of Prisons is capable of handling Mr. Cranney as a patient despite his complicated and clearly deteriorating health.
2. The defense disagrees. *See* U.S. Dep’t of Justice, Office of the Inspector General Evaluation and Inspections Division, Review of the Federal Bureau of Prisons’ Medical Staffing Challenges (March 2016), available at <https://oig.justice.gov/reports/2016/e1602.pdf>. The report, released in March of 2016, found serious problems in understaffing, resulting in limited access to medical care for inmates. *Id.* at i. They also found problems in recruiting and retaining quality medical professionals because of the low pay offered by the BOP to medical professionals. *Id.* Overall, the BOP’s total medical staff was 17 percent less than what is considered necessary to provide inmates with ideal care. *Id.* at 1. Some institutions were medically staffed at only 71 percent or below, which even the BOP describes as “crisis level.” *Id.* Furthermore, a 2008 audit by the Office of the Inspector General found systemic deficiencies in Bureau of Prison’s (BOP) delivery of health services. It found that at a number of institutions, BOP did not provide required medical services to inmates, including inadequate treatment for chronic conditions, failure to properly monitor side effects of medications,

allowing unqualified providers to render medical services, and failure to meet performance target levels on treatment of serious conditions. *See* U.S. Dep't of Justice, Office of the Inspector General Audit Division, The Federal Bureau of Prisons Efforts to Manage Inmate Health Care, ii-xix, 32-34 (2008), available at <http://www.justice.gov/oig/reports/BOP/a0808/final.pdf>.

2. While the defense understands hope springs eternal, it is highly doubtful that the BOP's medical deficiencies¹ have improved over the last two years under the present administration and government where the budget was barely \$7.1 billion or barely \$300 million more than their 2014 budget. *See* <https://www.justice.gov/jmd/page/file/1033161/download>.² Because the Court must take into account the need for medical care when determining a sentence, a sentence of house arrest as a substitute to imprisonment is really the only sentence that is "sufficient, but not greater than necessary" to comply with the purposes of sentencing.

Submitted By
John Cranney's Attorney

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¹ A good example of the BOP's incapacity to manage high risk patients is cogently displayed in *United States v. Michael Russo*, 06CR 10415-NMG, who was sentenced in 2019 to prison for 15 years despite needing a liver transplant. Mr. Russo fled because he did not believe the BOP would give him a liver transplant while incarcerated despite being on the transplant list at a nearby nonprison Massachusetts hospital. *See* Sentencing Memo, Document 43. *See* Motion to Vacate in *U.S. v. Russo*. Document # 46. Mr. Russo complained in August 2011 that he had not even been seen by the medical staff and that the BOP was ignoring the Court's instruction that he get adequate care. Document 57. Not surprisingly, he never got a transplant or even marginal care while incarcerated and died on December 11, 2012. *See* Document 63. This is the same BOP that the U.S. Attorney's Office believes is prepared to handle Mr. Cranney's care.

² The BOP budget was \$6.8 billion in 2014 and has risen to a measly \$7.1 billion in 2018. That increase is actually a cut as it does not even keep up with inflation. <https://oig.justice.gov/reports/2016/e1602.pdf>

I hereby certify that I served a copy of this motion through the ECF system which was sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the 8th day of August 2018.

I have given the following nonregistered participants notice of this filing by email: none

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